

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
) Plaintiff,
)
) v.
) Criminal Action No.
) 10-00320-19-CR-W-DGK
MUHAMMAD IBRAHIM ROLLIE,)
)
) Defendant.

DETENTION ORDER

On March 21, 2011, the government moved to detain defendant Muhammad Ibrahim Rollie pending trial, and on March 24, 2011, I held a detention hearing. I find by a preponderance of the evidence that defendant poses a flight risk and that no single condition or combination of conditions of release will reasonably assure the appearance of defendant as required.

I. BACKGROUND

On November 18, 2010, an indictment was returned charging defendant with one count of conspiracy to distribute crack cocaine and marijuana, in violation of 21 U.S.C. § 846, and one count of money laundering, in violation of 21 U.S.C. §§ 853(a)(1), 853(a)(2), and 18 U.S.C. § 982(a)(1). Defendant appeared before me for a first appearance on March 21, 2011. Counsel for the government filed a motion for a detention hearing and a motion to continue the hearing for three days. Those motions were granted, and defendant was remanded to the custody of the United States Marshal pending the hearing.

A detention hearing was held before me on March 24, 2011. Defendant appeared in person, represented by Michael Barrera. The government was represented by Assistant United States Attorney Sydney Sanders. The parties stipulated that the court consider the information in the Pretrial Services Report of Pretrial Services Officer Nick Zych as the testimony he would give, under oath, if called as a witness, with one correction. Defendant's mother is not willing to allow defendant to live with her if he is released on bond. I took judicial notice of the statutory presumption against release.¹ DEA Special Agent Joseph Geraci testified.

II. FINDINGS OF FACT

On the basis of the information contained in the report of Pretrial Services Officer Nick Zych and the evidence presented at the hearing, I find that:

1. Defendant, 23, is a lifelong Kansas City area resident, except for November 2010, when he learned of the arrest warrant in this case, until his arrest in late March 2011. During that time, defendant lived off and on with girl friends for short

¹18 U.S.C. § 3142(e) states in pertinent part as follows: "Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq)."

periods of time in Junction City, Kansas; Lawrence, Kansas; Overland Park, Kansas; Kansas City, Kansas; and Leavenworth, Kansas.

2. Defendant had no contact with his mother or sisters during the months he was eluding arrest. He has had very limited contact with his father and does not know where his father lives. Defendant is single but has two children, for whom he provides no financial support, who lived in California with their mother until recently when all three moved to Kansas City.

3. Defendant has been unemployed since November 2010. He previously worked in a warehouse, a fast food restaurant, and as a laborer. Defendant has no financial assets or liabilities.

4. Defendant is generally in good health. He reported no mental illness, no illegal drug use, and no alcohol abuse.

5. Defendant's criminal history includes to arrests in June 2010 for possession of a controlled substances, the disposition of which is unknown. He was arrested on March 20, 2011, for possession of a controlled substance and was turned over to the federal authorities on the instant case. On the date of his arrest, officers observed a vehicle driving slowly and then accelerate at a high rate of speed as if it were attempting to elude; the vehicle was followed a short distance by officers and was found stopped in the middle of the street in front of a residence. Officers approached the car and saw that the driver

was not present but the defendant was in passenger seat. Defendant was elusive with his name; and when he was asked to exit the vehicle, he attempted to flee. Officers had to physically put him on the ground and restrain him. Officers had observed defendant retrieving something from his front pants pocket; and once he was in handcuffs, officers observed a baggy containing crack cocaine (1 gm) under defendant's body.

6. Law enforcement agents went by defendant's mother's house on November 19, 2010, pursuant to the instant offense warrant, but defendant was not there. On December 2, 2010, agents spoke with defendant's mother who advised she had had no contact with defendant. On December 16, 2010, defendant contacted Special Agent Geraci who advised defendant to surrender on the warrant. Defendant said he would surrender on the following Monday, December 20, 2010; however, defendant never surrendered. In January, 2011, a fugitive packet was sent to the United States Marshal; information was sent to California agents since investigation revealed defendant's children and the mother of the defendant's children were living there; and in March, 2011, the defendant's mother informed agents the defendant's children and their mother were living with her in Kansas City.

7. During their search for defendant, agents obtained his phone number which he had acquired on February 25, 2011, in his name with a Lawrence, Kansas, address and a New York contact

phone number. According to toll records, defendant made calls to New Jersey, California, Tennessee, Oklahoma, Texas, and Wisconsin before he was apprehended.

8. If convicted, defendant faces a statutory minimum prison sentence of ten years and a statutory maximum prison sentence of life on the conspiracy count and a maximum prison sentence of 20 years on the money laundering count.

III. CONCLUSIONS

I find by a preponderance of the evidence that no single condition of release or combination of conditions of release will reasonably assure the appearance of defendant as required. Defendant is facing a mandatory ten-year sentence and a possible life sentence in this case, he eluded arrest for months after learning of the arrest warrant, he attempted to flee from police when he was eventually caught, he was communicating with people from six different states during the month before his arrest, he is unemployed, he has no current residence, and he has no appropriate residence if released. I also find that defendant has failed to rebut the presumption provided for in 18 U.S.C. § 3142(e) that there is no condition or combination of conditions of release that will reasonably assure the appearance of defendant as required.

It is, therefore

ORDERED that the defendant be committed to the custody of the Attorney General or his authorized representative for detention pending trial. It is further

ORDERED that defendant be confined in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. It is further

ORDERED that the Attorney General or his authorized representative ensure that the defendant is afforded reasonable opportunity for private consultation with his counsel. It is further

ORDERED that, on order of a court in the Western District of Missouri, the person in charge of the corrections facility where defendant is confined deliver the defendant to a United States Marshal for his appearance in connection with a court proceeding.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
March 24, 2011